

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

LEONARD MACK,

Plaintiff,

-against-

SCHEDULING ORDER

24 Civ. 8990 (KMK) (AEK)

WESTCHESTER COUNTY, TOWN OF
GREENBURGH, Investigator CAROL KOPE,
in her individual capacity; Lieutenant JOHN
SCHACHINGER, in his individual capacity;
ROGER STILLMAN, as Administrator of the
Estate of MARIE FELGENHAUER;
JACK ROE 3, as Administrator of the
Estate of Lieutenant RAPHAEL GAROFANO;
JAMES FLEMING, III, as Administrator of the
Estate of Officer JAMES FLEMING; JACK ROE 1
as Administrator of the Estate of Detective
ROBERT WILLARD; and JACK ROE 2
as Administrator of the Estate of Detective
GERRARD HOLLEY,

Defendants.

-----X

THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

This matter is hereby scheduled for a pre-settlement conference status conference before Magistrate Judge Andrew E. Krause on **Thursday, May 1, 2025 at 10:00 a.m.** The conference will take place by video using Cisco Webex. A video link will be provided to counsel in advance of the conference.

* * * * *

This matter is also hereby scheduled for a video settlement conference before Judge Krause on **Tuesday, May 27, 2025 at 1:30 p.m.**

On or before **Friday, May 23, 2025**, all parties participating in the settlement conference must each submit a confidential, *ex parte* letter not to exceed five (5) pages in length. The letter

must summarize (i) the history of settlement negotiations; (ii) the issues in the case; (iii) the party's settlement valuation of the case and the rationale(s) for it; and (iv) any other facts that would be helpful to the Court in preparation for the conference. By **Wednesday, May 14, 2025**, Plaintiff must make at least one concrete settlement demand to each participating Defendant, and by **Wednesday, May 21, 2025**, each participating Defendant must make at least one concrete settlement offer. These figures must be reported in the pre-conference letters. Submissions should be emailed to KrauseNYSDChambers@nysd.uscourts.gov.

It is the Court's standard practice to require parties—and not just counsel—to attend settlement conferences. Typically, however, the Court does not require the participation of individual municipal or county employees, as they generally are not directly involved in funding of settlements. At the May 1, 2025 conference, counsel should be prepared to address whether there should be an exception to the Court's usual practice in this case, and whether the various estate representatives should be required to participate. At a minimum, counsel for Westchester County and the Town of Greenburgh must arrange to have appropriate client representatives either attend the conference or be available by telephone during the conference to approve any proposed settlement. To the extent one or more liability insurance carriers are involved in this matter on behalf of the defendants, a decision-making representative of each carrier must attend unless specifically excused by the Court.

This conference will be conducted by video, using Cisco Webex. A link and instructions will be provided to the parties by email prior to the conference. Should anyone experience any technical issues with the videoconferencing system, please contact Chambers at (914) 390-4070.

Dated: April 9, 2025
White Plains, New York

SO ORDERED.

A handwritten signature in black ink, appearing to read "Andrew Krause", written over a horizontal line.

ANDREW E. KRAUSE
United States Magistrate Judge